

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB/LFG

RIO CHAMA STREAM SYSTEM

Section 7, Rio Brazos

Subfile No. CHRB-007-0061

**MOTION TO AMEND CONSENT ORDER**  
**DESCRIBING THE WATER RIGHTS OF THE LOS OJOS MUTUAL**  
**DOMESTIC WATER CONSUMERS ASSOCIATION IN SUBFILE CHRU-007-0061**

The plaintiff State of New Mexico, *ex rel.* State Engineer (State) moves the Court to amend the Consent Order entered on May 15, 2003 (Doc. No. 7142) in Subfile CHRB-007-0061 describing the water rights of defendant Los Ojos Mutual Domestic Water Consumers Association (Association) and as grounds therefore plaintiff states:

1. The Consent Order entered on May 15, 2003 in Subfile CHRU-007-0061 that describes the water rights of the Los Ojos Mutual Domestic Water Consumers Association does not include a description of the amount of water or the priority of the Association's water rights. These elements of the Association's water rights were reserved for future determination. *See id.* The State has reviewed the information in the water rights files of the Office of the State Engineer with the staff of the Water Rights Division, and the State believes the Association presently has the right to divert and use 24.21 acre-feet of groundwater per annum with a priority of 1963.

2. Counsel for the State has written to the Board of Directors of the Association in order

to learn if the Association agrees with the State's assessment of the Association's water rights, but to date the State has not received a response.

3. The Consent Order entered on May 15, 2003 that describes the water rights of the Association also contains a clerical error in the description of the location of the Association's well (RG-47055). The X and Y coordinates of the well are incorrectly described. The correct coordinates for the location of the well are as follows:

Location X: 1,547,601.2                      Location Y: 2,084,969.7  
New Mexico Plane Coordinate System, Central Zone, 1983 N.A.D.

The location of the Association's well is correctly shown on the subfile map amended December 20, 2005 that is attached to the Consent Order.

WHEREFORE, the plaintiff State of New Mexico requests the Court to amend the Consent Order entered on May 15, 2003 in Subfile CHRB-007-0061 to include the description of the elements of the Association's water rights as described above, and to correct the description of the location of the Association's well.

Respectfully submitted,

/s/ Ed Newville  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 9<sup>th</sup> day of June 2012, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following parties via first class mail addressed as stated.

/s/ Ed Newville  
EDWARD G. NEWVILLE

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